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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-second session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Armenia

1. The Committee considered the initial and second periodic reports of Armenia (CERD/C/289/Add.2) at its 1262nd and 1263rd meetings, held on 12 and 13 March 1998, and adopted, at its 1272nd meeting, held on 19 March 1998, the following concluding observations.

A. Introduction

2. The Committee commends the State party on the quality of its report, prepared in accordance with the Committee's guidelines. It appreciates the open and constructive dialogue with the representatives of the State party and the additional information provided orally.

B. Factors and difficulties impeding the implementation of the Convention

3. It is noted that the State party is going through a difficult period of political, economic and social reforms following the dissolution of the former Soviet Union and that these factors, together with recent demographic movements, are not conducive to the full implementation of the Convention.

C. Positive aspects

4. It is noted with appreciation that despite prevailing political, economic and social difficulties, efforts are being made to implement the provisions of the Convention. The State party's pronounced commitment to ensure equality before the law is especially noted.

5. The signature of the State party to the Commonwealth of Independent States (CIS) Agreement on questions relating to the restoration of the rights of deported persons, national minorities and peoples in 1992 and to the CIS Convention on the safeguarding of the rights of members of national minorities in 1994 is noted with interest.

6. It is noted with interest that there have been considerable legal developments recently and that the State party is in the process of drafting new legislation, including a new Penal Code, expected to be adopted by the end of 1998, as well as legislation regarding employment and the family.

7. With respect to article 7 of the Convention, the publication and dissemination of the texts and principles of the Convention and other human rights documents is welcomed by the Committee. It is also noted with interest that the State party and the Office of the High Commissioner of Human Rights in Geneva have set up a project to organize seminars, train specialists and disseminate human rights literature.

D. Principal subjects of concern

8. While noting that the existing penal legislation is undergoing reform, the Committee is nevertheless concerned that article 69 of the Penal Code currently in force does not prohibit all dissemination of ideas based on racial superiority and incitement to racial discrimination as required by article 4 of the Convention.

9. The lack of any information in the State party's report on the incidence of racially motivated crime occasions concern.

10. With regard to the right to equal treatment before the tribunals and the right to security of person and protection by the State against violence or bodily harm (article 5, paragraphs (a) and (b), of the Convention), concern is expressed at the reported cases of torture and other cruel or degrading treatment on the part of police and investigating officers.

11. With respect to the right to education and training of members of ethnic and national minorities, it is noted with concern that according to Armenian law, teaching must be conducted in the official language, and that some minority groups are therefore denied access to education in practice.

E. Suggestions and recommendations

12. The Committee recommends that the State party fully comply with article 4 of the Convention and register statistics on racially motivated

crimes. It also recommends that this information be included in the next periodic report, together with detailed information on complaints received and judgements issued by courts concerning racial discrimination.

13. The Committee further suggests that the State party consider adopting measures to ensure that ethnic and national minorities have access to education in their own language whenever possible.

14. The Committee requests the State party to include information about the results and effectiveness of the ongoing human rights project carried out by the State party and the Office of the High Commissioner for Human Rights.

15. It is further recommended that the State party furnish the Committee with the texts of new laws concerning racial discrimination once they are adopted, and subsequently with information on the effectiveness of the reforms of the judicial system in practice.

16. In its forthcoming report, the State party should include, inter alia, further information on the restoration of the rights of deportees who have returned to the country, the results of the national reform on education, and the access to health care, housing and employment of ethnic and national minorities.

17. The Committee suggests that the State party consider establishing a human rights commission to take action on the recommendations brought forward by the Committee.

18. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

19. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of such a declaration be considered.

20. The Committee recommends that the State party's next periodic report, due on 23 July 1998, be an updating report and that it address all the points raised in the present observations.